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JOANNE FOUNTAINE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JOANNE FOUNTAINE,
15 Defendant.

Case No. CR-07-00006-SBA

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE PRETRIAL AND TRIAL
DATES**

Hon. Sandra B. Armstrong

STIPULATION

The parties, by and through undersigned counsel, hereby agree and stipulate as follows:

The parties request that the trial currently set to begin on September 8, 2008 at 8:30 a.m. be continued to October 6, 2008 at 8:30 a.m. and that the pretrial conference currently set for September 2, 2008 at 11:00 a.m. be continued to September 30, 2008 at 11:00 a.m. The parties also request that the deadlines contained in the Court's Order of June 18, 2008 be continued to September 9, 2008 for the pretrial preparation; September 16, 2008 for motions in limine and objections to evidence; and September 23, 2008 for responses to motions in limine and objections to evidence. The parties further request that, based on the facts provided herein, time be excluded under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

On August 4, 2008, Assistant United States Attorneys Andrew S. Huang and Chinhayi J. Coleman were assigned to this case. (Substitution of counsel was filed on August 12, 2008.) Since the time new prosecutors were assigned to the case, the parties have renewed discussions regarding a potential resolution of the case by plea agreements. Defense counsel are conducting investigation and review of the discovery materials in order to effectively advise the defendants, including advice regarding any potential dispositions. The parties are conducting additional investigation to achieve agreement upon key terms and conditions of any potential plea agreements.

The government has also indicated that it has additional discovery for the defense and is currently in the process of preparing such discovery. Defense counsel will require additional time to review the discovery and investigate the facts and issues presented therein.

Finally, the government has communicated its intent to retain a handwriting expert and will promptly provide Rule 16 disclosures. However, handwriting exemplars from the defendants have not been collected yet to begin the process. In turn, the defense will require additional time to review the results of any analyses and to retain experts, if necessary.

For the foregoing reasons, the parties stipulate and agree that the ends of justice served by a continuance of the pretrial conference to September 30, 2008 at 11:00 a.m. and the

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1 commencement of trial to October 6, 2008 at 8:30 a.m. outweigh the best interests of the public
 2 and the defendants in a speedy trial because the failure to grant such a continuance would
 3 unreasonably deny the government and defendants continuity of counsel and unreasonably deny
 4 counsel for the defendants and the government the reasonable time necessary for effective
 5 preparation, taking into account the exercise of due diligence.

6 **IT IS SO STIPULATED.**

7 Dated: August 13, 2008

LATHAM & WATKINS LLP

8
 9 By [Signature]
 10 Holly State
 11 Attorneys for Defendant
 12 JOANNE FOUNTAINE

11 **IT IS SO STIPULATED.**

12 Dated: August 13, 2008

LINDA FULLERTON, ESQ.

13
 14 By [Signature]
 15 Linda Fullerton
 16 Attorneys for Defendant
 17 ANTHONY TIMMONS

17 **IT IS SO STIPULATED.**

18 Dated: August 13, 2008

JOSEPH P. RUSSONIELLO
 United States Attorney

19
 20 By [Signature]
 21 Andrew Huang
 22 Assistant United States Attorney
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[PROPOSED] ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby GRANTS the parties' request to continue the pretrial conference to September 30, 2008 at 11:00 a.m. and commencement of trial to October 6, 2008 at 8:30 a.m. The Court hereby FINDS that the continuances outweigh the best interests of the public and the defendant in a speedy trial because the failure to grant such a continuance would unreasonably deny the parties continuity of counsel and unreasonably deny counsel for the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Based on these findings, IT IS HEREBY ORDERED that time is excluded from the date of this Order to October 6, 2008 under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv). A revised Order for Pretrial Preparation resetting pretrial preparation and motions deadlines will be issued separately.

DATED: _____


 THE HONORABLE SAUNDRA B. ARMSTRONG
 UNITED STATES DISTRICT JUDGE